SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT APPEAL NO. 944 OF 2006

BETWEEN
Kandadi Yadi Reddy

.....Appellant

And
The Chief Commissioner of Land Administration,
Andhra Pradesh, Hyderabad
& another

.....Respondents

Counsel for the appellant : Shri M.V. Durga Prasad

Counsel for the respondents : Government Pleader for Urban Ceiling

Dated: 15.09.2006

::JUDGMENT::

Per G.S. SINGHVI, CJ

Having failed to persuade the learned Single Judge to entertain his prayer for invalidation of the order passed by the Special Officer and Competent Authority, Urban Land Ceiling, Hyderabad (respondent No.2) under the Urban Land (Ceiling and Regulations) Act, 1976 (for short 'the 1976 Act'), the appellant has preferred this appeal under Clause 15 of the Letters Patent.

The father of appellant owned land comprised in Survey Nos. 27, 28 and 29 of Roshandoula Village, Saroornagar Mandal, Ranga Reddy District. After coming into force of 1976 Act, he filed declaration under Section 6(1). After the death of appellant's father, respondent No.2 passed order dated 18-03-2006 whereby he declared that the land holder had surplus area measuring 1,44,282-26 square meters. The appellant challenged that order by filing an appeal under Section 33 of 1976 Act, which stands registered as U.L.C. Appeal No.Hyd.103/2006 and is pending before the Commissioner, Appeals in the office of Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad. Along with the appeal, the appellant filed an application for interim stay, which was dismissed by the appellate authority vide its order dated 31.07.2006.

A perusal of the record shows that even before adjudication of his prayer for stay, the appellant got prepared the writ petition some time in the month of July, 2006 though the same was ultimately lodged in the registry of the Court on 07.08.2006. Due to defects, the petition was returned to the petitioner. He re-filed the same on 11.08.2006.

The learned Single Judge declined to entertain the appellant's prayer for interference with the substantive order passed by respondent No.2 on the ground that he (appellant) has already availed the remedy of appeal. However, a direction was given to the Commissioner of Appeals to dispose of the appeal within a period of three weeks from the date of receipt of copy of this order.

Shri M.V. Durga Prasad, learned counsel for the appellant made efforts to convince us that the refusal of the Commissioner of Appeals to entertain his client's prayer for interim relief is vitiated by an error apparent, but we are not inclined to examine the issue because in the writ petition the appellant did not make a specific prayer for quashing order dated 31.07.2006 passed by the appellate authority.

We are further of the view that even if the prayer made in the writ petition is broadly construed and it is treated as one directed against order dated 31.07.2006 passed by the Commissioner of Appeals, it is not possible to find fault with the discretion exercised by the Officer concerned not to entertain the appellant's prayer for stay. The appellant has not placed any material before the Court to show that he/his father has filed objections against the proceedings taken under Sections 8(1) and 8(3) of 1976 Act. Therefore, at this interlocutory stage, we do not find any justification to indirectly nullify order dated 31.07.2006.

With the above observations, the appeal is dismissed.

At this stage, learned counsel for the appellant made a grievance that the appeal preferred by his client under Section 33 of the 1976 Act has not been disposed of so far. Learned Government Pleader for Urban Ceiling gave out that the appeal was posted for hearing on 01.09.2006 but had to adjourn due to non-appearance of the representative of the appellant.

De hors the aforementioned controversy, we direct the appellate authority to decide the appeal within a maximum period of two weeks from today.

The learned Government Pleader is directed to communicate this direction to the appellate authority. Learned counsel for the appellant should advice his client to appear before the appellate authority on 18.09.2006 so as to facilitate adjudication of the appeal in terms of the direction given hereinabove.

As a sequel to dismissal of the writ appeal, W.A.M.P.No.1987 of 2006 filed by the appellant for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

15.09.2006
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